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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,244	02/24/2004	Wen Hsiang Yueh	MR1957-855	1193

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EXAMINER	
FOX, BRYAN J	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,244	YUEH, WEN HSIANG	
	Examiner	Art Unit	
	Bryan J. Fox	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by van Pelt et al (US 20030073460A1).

Regarding **claim 1**, van Pelt et al disclose a wireless headset unit for receiving an audio signal from device 100 (see paragraph 29), and device 100 could be a mobile phone with MP3 function (see paragraph 32), which reads on the claimed, "communication apparatus for playing sound signals, comprising a cellular phone and a wireless earphone." The headset can be used to play audio relayed from the base unit 100 via a wireless connection such as Bluetooth or IR (see paragraph 32), which reads on the claimed, "first sound processing module used to encode the music data and output digital data; a first Bluetooth module used to wirelessly transmit the digital data including encoded music data therein; and a mobile communication control module used to transmit/receive radio signals and control the music playing module; and the

wireless earphone comprising: a second Bluetooth module used to wirelessly receive the digital data including encoded music data from the first Bluetooth module; a second sound processing module used to decode the digital data; and an output unit used to output digital data decoded by the second sound processing module."

Regarding **claim 2**, van Pelt et al disclose the headset can be used to play audio relayed from the base unit 100 via a wireless connection such as Bluetooth or IR (see paragraph 32), which reads on the claimed, "the music playing module is a radio circuit."

Regarding **claim 3**, van Pelt et al disclose that the device 100 could be a mobile phone with MP3 function (see paragraph 32), which reads on the claimed, "the music playing module comprises: a memory used to store a music file; and an MP3 processing module used to play the music file."

Regarding **claim 4**, van Pelt et al disclose that a second unit may be connected to allow a new function, such as high quality stereo headset (see paragraph 32), which reads on the claimed, "the output unit comprises a left channel speaker and a right channel speaker."

Regarding **claim 5**, van Pelt et al disclose that the connection to the second headset unit is, preferably, a physical connection, such as be cable 130 (see paragraph 33 and figure 2), which reads on the claimed, "the left or the right channel speaker is independently disposed in another housing via an extended line."

Regarding **claim 6**, van Pelt et al disclose that the user can wear a single headset unit 110 (see paragraph 31), or use in combination with a second headset unit 140 (see paragraph 33), which reads on the claimed, "the extended line is detachable."

Regarding **claim 7**, van Pelt et al disclose a wireless headset unit for receiving an audio signal from device 100 (see paragraph 29), and device 100 could be a mobile phone with MP3 function (see paragraph 32). The headset can be used to play audio relayed from the base unit 100 via a wireless connection such as Bluetooth or IR (see paragraph 32), which reads on the claimed, "communication method for playing sound signals, comprising: providing a cellular phone equipped with a first Bluetooth module; encoding music data played by the cellular phone according to a Bluetooth protocol to form digital data and radioing to wirelessly transmit the digital data including encoded music data therein via the first Bluetooth module of the cellular phone; wirelessly receiving the digital data including encoded music data via a wireless earphone equipped with a second Bluetooth module and decoding the digital data; and outputting the decoded signal data via the wireless earphone."

Regarding **claim 8**, van Pelt et al disclose that the audio could be MP3 (see paragraph 32), which reads on the claimed, "the music data are in an MP3 format."

Regarding **claim 9**, van Pelt et al disclose that the headset can be used to play audio relayed from the base unit 100 via a wireless connection such as Bluetooth or IR (see paragraph 32), which reads on the claimed, "the music data are signals received by a radio."

Regarding **claim 10**, van Pelt et al disclose that a second unit may be connected to allow a new function, such as high quality stereo headset (see paragraph 32), which reads on the claimed, "the wireless earphone outputs the decoded digital data via two sound channels."

Regarding **claim 11**, van Pelt et al disclose a wireless headset unit for receiving an audio signal from device 100 (see paragraph 29), and device 100 could be a mobile phone with MP3 function (see paragraph 32), which reads on the claimed, "cellular phone for transmitting sound signals." The headset can be used to play audio relayed from the base unit 100 via a wireless connection such as Bluetooth or IR (see paragraph 32), which reads on the claimed, "music playing module used to output music data; a sound processing module used to encode the music data and output digital data; a Bluetooth module used to wirelessly transmit the digital data including encoded music data therein; and a mobile communication control module used to transmit/receive radio signals and control the music playing module."

Regarding **claim 12**, van Pelt et al disclose the headset can be used to play audio relayed from the base unit 100 via a wireless connection such as Bluetooth or IR (see paragraph 32), which reads on the claimed, "the music playing module is a radio circuit."

Regarding **claim 13**, van Pelt et al disclose that the device 100 could be a mobile phone with MP3 function (see paragraph 32), which reads on the claimed, "the music playing module comprises: a memory used to store a music file; and an MP3 processing module used to play the music file."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Pelt et al in view of Drakoulis et al (US006256303B1).

Regarding **claim 14**, van Pelt et al disclose a wireless headset unit for receiving an audio signal from device 100 (see paragraph 29), and device 100 could be a mobile phone with MP3 function (see paragraph 32), which reads on the claimed, "wireless earphone for receiving sound signals." The headset can be used to play audio relayed from the base unit 100 via a wireless connection such as Bluetooth or IR (see paragraph 32), which reads on the claimed, "Bluetooth module used to wirelessly receive digital data including encoded music data therein; a sound processing module used to decode the digital data wirelessly received by the Bluetooth module; an output unit used to output digital data decoded by the sound processing module." Van Pelt et al fail to disclose determining a format of the digital data and then send the digital data to the sound processing module directly or to the output unit after processing the digital data according to the determined result.

In a similar field of endeavor, Drakoulis et al disclose a system that determines if a signal is in a suitable format for a receiving device and transmits the signal if it is. If the signal is not in a compatible format, the signal is converted into a compatible format and then transmitted to the receiving device (see column 10, line 55 – column 11, line 8).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify van Pelt et al with Drakoulis et al to include the above conversion to a compatible format in order to extend the utility of the device to include more compatible data formats.

Regarding **claim 15**, the combination of van Pelt et al and Drakoulis et al disclose that a second unit may be connected to allow a new function, such as high quality stereo headset (see van Pelt et al paragraph 32), which reads on the claimed, "the output unit comprises a left channel speaker and a right channel speaker."

Regarding **claim 16**, the combination of van Pelt et al and Drakoulis et al disclose that the connection to the second headset unit is, preferably, a physical connection, such as be cable 130 (see van Pelt et al paragraph 33 and figure 2), which reads on the claimed, "the left or the right channel speaker is independently disposed in another housing via an extended line."

Regarding **claim 17**, the combination of van Pelt et al and Drakoulis et al disclose that the user can wear a single headset unit 110 (see van Pelt et al paragraph 31), or use in combination with a second headset unit 140 (see van Pelt et al paragraph 33), which reads on the claimed, "the extended line is detachable."

Regarding **claim 18**, the combination of van Pelt et al and Drakoulis et al disclose the unit may contain a microphone (see paragraph 31) and this may be relayed to the base unit via the link 124 (see paragraph 35), which reads on the claimed, "microphone, the microprocessor outputting voice signals received form the microphone via the Bluetooth module."

Response to Arguments

Applicant's arguments filed March 3, 2006 have been fully considered but they are not persuasive.

The Applicant argues that van Pelt et al fail to disclose wirelessly transmitting...digital data including encoded music data. The Examiner respectfully disagrees. Specifically, the Applicant argues that van Pelt teaches received MP# encoded signals via a wired connection 149. Van Pelt does disclose MP3 signals transmitted through a wired connection in paragraph 37, however, this is in the embodiment where two headset units are connected together through a wired connection. Even in this embodiment, one of the headsets receives the signals wirelessly from the base unit (see, e.g., figure 3), fulfilling the claimed limitations.

The Applicant argues that in some embodiments, the Bluetooth module is disabled in the second headset unit. The Examiner holds that this is true only is certain embodiments, and even, when the second headset unit does not have the Bluetooth module enabled, the first headset unit would have the Bluetooth unit enabled (see paragraph 36).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox
June 2, 2006

Temica M. Beamer

TEMICA BEAMER
PRIMARY EXAMINER